**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

CHRISTOPHER GOLDEN   PLAINTIFF

V.   CIVIL ACTION NO. 5:08cv156-DCB-MTP

GABRIEL WALKER, *et al.*   DEFENDANTS

<u>**ORDER**</u>

THIS MATTER is before the court on the Plaintiff's Motion for Appointment of Expert

Witness [36]. The court, having considered the submissions of the parties and the applicable

law, finds that the Motion [36] should be denied.

Plaintiff requests that the court to appoint an expert witness in order to assist him in

computing and proving his damages, to testify regarding the inappropriateness of the force

allegedly used by defendants, to testify on matters related to his injuries, and to rebut any expert

testimony offered by defendants.

Plaintiff is proceeding *pro se* and *in forma pauperis* under 28 U.S.C. § 1915. Fifth

Circuit precedent establishes that "'[t]he plain language of section 1915 does not provide for the

appointment of expert witnesses to aid an indigent litigant.'" *Hannah v. U.S.*, 523 F.3d 597, 601

(5th Cir. 2008) (*quoting Pedraza v. Jones*, 71 F.3d 194, 196 (5th Cir. 1995)). The court may,

however, appoint an expert witness at its discretion, pursuant to Rule 706 of the Federal Rules of

Civil Procedure, if an indigent prisoner can establish that such an appointment is warranted.

Pedraza, 71 F.3d at 196-97 n.5. "Rule 706 contemplates the appointment of an expert to aid the

court[,]" not for the Plaintiff's benefit. *Hannah*, 523 F.3d at 600.

As noted in the court's Orders [17] [35] denying plaintiffs' motions for appointment of

counsel, the issues involved in this case are not complex or confusing. Indeed, this is a relatively

simple case, involving a claim of excessive force. Plaintiff has failed to establish that the

appointment of an expert witness is necessary to aid the court.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Appointment of Expert

Witness [36] is DENIED.

SO ORDERED this the 17th day of November, 2008.

s/ Michael T. Parker

United States Magistrate Judge